



REVISED 7.8.15

Agenda
Meeting of the Municipal Council
Wednesday, July 8, 2015

I. Executive Session – 4:30 p.m.

Resolution 2015-256 Authorizing a Meeting which Excludes the Public

A. Personnel Matters:

1. Director of Communication Position
2. Director of Commerce Position

B. Contract Negotiations:

1. Asbury Partners, LLC/iStar – Financial Agreements Related to Monroe Condominium Project (601 Heck Street)
2. Community Development Block Grant – Annual Grant Contract
3. Appraisal Services for Bradley Cove
4. Asbury Park Board of Education – Video Cameras
5. Monmouth County Open Space Program – Springwood Park
6. Financial Advisor
7. Insurance Broker
8. Carter Sackman - Savoy Theater
9. Carter Sackman - Residential and Retail PILOTS
10. Carter Sackman - Parking Garage

C. Litigation:

1. Gerald Cox vs. City of Asbury Park (Workers Compensation) – Eric Nemeth, Esq.
2. Johnny Washington vs. City of Asbury Park (Workers Compensation) – Eric Nemeth, Esq.
3. Famularo Disciplinary Proceeding

II. Work Session – 6:30 p.m.

- A. Clerk to Call Work Session to Order/Roll Call.
- B. Review/Follow-Up Regarding Any Issues Addressed at Work Session of Monday, July 6, 2015.
- C. Matters from City Council.
- D. Matters from City Manager.
- E. Matters from City Attorney

III. Regular Meeting – 7:00 p.m.

- A. Clerk to Call Meeting to Order/Roll Call.
- B. Silent Prayer/Moment of Reflection.
- C. Salute to the Flag
- D. **(Announcement by City Clerk):** As to compliance with the “Open Public Meetings Act,” Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Annual Notice was forwarded to the Asbury Park Press, The Coaster and The Star Ledger on January 2, 2015, and posted on the bulletin board the same date. All notices are on file with the City Clerk.

E. PROCLAMATION PRESENTED TO THE ASBURY PARK HIGH SCHOOL DEBATE TEAM

- F. Public Participation **(Announcement by City Clerk):**

May I have a motion to open the public comment portion of the meeting with a 3-minute time limit for each speaker. Take Motion.

[The Public is expected to conduct themselves in a proper manner. Any derogatory, abusive, or threatening statements will not be permitted. The Chair will immediately rule such conduct out of order and, after appropriate warning, may terminate any further comments from that speaker.]

- G. Acceptance of Minutes:
 - May 26, 2015 – Workshop Meeting
 - May 27, 2015 – Executive Meeting
 - May 27, 2015 – Regular Meeting
 - June 8, 2015 – Workshop Meeting
 - June 10, 2015 – Executive Session Meeting
 - June 10, 2015 – Regular Meeting

- H. Mayor Appointment to Library Board

- I. Consent Agenda Resolutions.

[All matters listed on the Consent Agenda are presented collectively to the City Council, and will be considered for approval with one vote. These matters are considered to be routine in nature, and there will be no individual discussion of these items. If discussion is desired by one or more Council member(s) as to any particular item(s), then said item(s) shall be removed from the Consent Agenda and considered separately.]

2015-257 Approving Special Events/Wedding Applications as Presented on July 6, 2015

- 2015-258 Authorizing an Additional Appointment to the Cable Television Advisory Committee
- 2015-259 Authorizing an Additional Appointment to the Parking Advisory Committee

J. Individual Resolutions

- 2015-255 Resolution of the Mayor and City Council of the City of Asbury Park Authorizing the Execution of a Subsequent Developer Agreement and a Special Assessment Agreement with AP at Monroe Urban Renewal LLC
- 2015-260 Resolution Authorizing the Payment of Payroll in the Amount of \$115,212.53
- 2015-261 Resolution Authorizing the Payment of Bills in the Amount of \$2,283,529.52
- 2015-262 Resolution Amending Temporary Appropriations for 2015
- 2015-263 Resolution Authorizing Compensation Payment to Jose Cunha upon His Separation of Employment
- 2015-264 Authorizing an Appointment to the Housing Authority
- 2015-265 Award of Contract for Regional Contribution Agreement Project (509 Third Avenue)
- 2015-266 Authorize Submission of a Grant Application to the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Grant Funding Under the 2015 Edward Byrne Memorial Justice Assistance (JAG) Program
- 2015-267 Approval of the City of Asbury Park Hazard Mitigation Plan
- 2015-268 Resolution of the Mayor and City Council of the City of Asbury Park Authorizing an Extension of the Option Agreement to Enter into Ground Lease with Springwood Avenue Associates, LP
- 2015-269 Resolution of the Mayor and City Council of the City of Asbury Park Awarding a New Hotel Liquor License to 210 5th Ave. Ventures Urban Renewal LLC
- 2015-270 A Resolution Authorizing the City of Asbury Park to Enter Into an Agreement with the Asbury Park Board of Education to Provide for the Installation and Maintenance of Fiber Optic Cables Related to a Video Security System
- 2015-271 In Support of Legalizing, Taxing and Regulating Marijuana for Adults
- 2015-272 Authorizing the Execution of an License Agreement between the City of Asbury Park and the County of Monmouth for a Traffic Engineering Study

K. Ordinances:

First Reading/Introduction:

- 2015-33 Ordinance of the City of Asbury Park Authorizing the Execution of a Financial Agreement with AP at Monroe Urban Renewal LLC and Granting a Tax Exemption

2015-34 Authorizing the City of Asbury Park to Accept the Conveyance of an Easement On, Over, Under and Across a Certain Portion of the Property Located at 205-209 Bond Street, Also Known and Designated as Block 2402, Lot 5.01 on the Asbury Park City Tax Map

2015-35 Authorizing the City of Asbury Park to Convey an Easement On, Over and Across a Certain Portion of the Right-Of-Way Behind Certain Real Property Located at 722-724 Cookman Avenue (Also Known and Designated as Block 2405, Lot 1 on the Asbury Park City Tax Map) to 722-724 Cookman Associates, LLC.

[Set Public Hearing Date for Each Ordinance Introduced.]

L. Adjournment.



MINUTES
Meeting of the Municipal Council
Wednesday, July 8, 2015
WORK SESSION AND REGULAR MEETING

City Clerk Dye called the meeting to order at 6:30 p.m.

The following Council Members were present: Council Member Yvonne Clayton, Council Member Jesse Kendle, Council Member Joe Woerner, Deputy Mayor Amy Quinn and Mayor John Moor. Also present were: City Attorney Frederick Raffetto, Acting City Manager Tony Nuccio and City Clerk Cindy Dye.

City Clerk Dye announced the following: "As to compliance with the "Open Public Meetings Act," Chapter 231, P.L. 1975, adequate Notice of this meeting has been provided in the following manner: The Annual Notice was forwarded to the Asbury Park Press, The Coaster and Star Ledger on January 2, 2015, and posted on the bulletin board the same date. All notices are on file with the City Clerk."

WORK SESSION

REVIEW/FOLLOW-UP REGARDING ANY ISSUES ADDRESSED AT WORK SESSION OF MONDAY, JULY 6, 2015

Acting City Manager Nuccio responded to inquiries made by the public and Council Members on July 6, 2015.

MATTERS FROM CITY COUNCIL

Deputy Mayor Quinn requested follow-up on Sunset Lake. She complimented the fireworks over the 4th of July weekend. Councilman Woerner announced Best Day Event at Surf's Beach and 10th Annual Family Day at the Beach. Councilwoman Clayton requested follow-up regarding a bulletin board for job postings in the municipal building lobby. Councilman Kendle stated that the Movies in the Park have been very successful. Even though there has been no issues, he is requesting security during the event. Mayor Moor recognized organization who have donated to the Recreation Department.

MATTERS FROM CITY MANAGER

Acting City Manager stated that the results of the Annual Best New Jersey Beaches contest have been announced. Asbury Park came in as the 6th best beach in New Jersey and 1st in Monmouth County.

MATTERS FROM CITY ATTORNEY - None

Motion made by Council Member Kendle and seconded by Council Member Clayton to adjourn the workshop session. All were in favor

REGULAR MEETING

City Clerk Dye called the meeting to order at 7:00 p.m.

PROCLAMATION PRESENTED TO THE ASBURY PARK HIGH SCHOOL DEBATE TEAM

Councilwoman Clayton read the proclamation and recognized the Asbury Park High School Debate Team.

PUBLIC PARTICIPATION

Motion made by Mayor Moor and seconded by Council Member Woerner to open the meeting to the public. All were in favor.

City Clerk Dye made the following announcement: “The Public is expected to conduct themselves in a proper manner. Any derogatory, abusive, or threatening statements will not be permitted. The Chair will immediately rule such conduct out of order and, after appropriate warning, may terminate any further comments from that speaker.”

The following members of the public spoke: Randy Thompson, John DeBaum, Ken Walski, Justin Alfred, Calvin Henderson, Brandon Chewy, Linda Lehey, Werner Baumgartner, LaShawn Anderson Gray, Rita Marano, Patrick Ryan and Jerry Scarano.

Motion made by Councilwoman Clayton and seconded by Deputy Mayor Quinn to close the public portion of the meeting. All were in favor.

ACCEPTANCE OF MINUTES

- May 26, 2015 – Workshop Meeting
- May 27, 2015 – Executive Meeting
- May 27, 2015 – Regular Meeting
- June 8, 2015 – Workshop Meeting
- June 10, 2015 – Executive Session Meeting
- June 10, 2015 – Regular Meeting

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton		X	X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner	X		X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

MAYOR APPOINTMENT TO LIBRARY BOARD

Mayor Moor appointed Rocio Boyain y Goytia to the Library Board with a term expiring

CONSENT AGENDA RESOLUTIONS

City Clerk Dye read the following statement: "All matters listed on the Consent Agenda are presented collectively to the City Council, and will be considered for approval with one vote. These matters are considered to be routine in nature, and there will be no individual discussion of these items. If discussion is desired by one or more Council member(s) as to any particular item(s), then said item(s) shall be removed from the Consent Agenda and considered separately."

2015-257 Approving Special Events/Wedding Applications as Presented on July 6, 2015

Resolution of the City of Asbury Park 2015-257

WHEREAS, AT WORK SESSION MEETING OF THE Mayor and Council held on July 6, 2015, the following Special Events Applications were presented for approval by the Director of Commerce:

1. Superintendent's chat

WHEREAS, the Mayor and Council have determined to approve said applications, so long as all requirements of the City's "special Events" Ordinance (Section 4-10 of the City Code) have been satisfied by the respective applicants, as well as any other requirements imposed by the City's Police Department and/or Special events Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, that all the above referenced Special Events Applications are hereby approved, so long as all requirements of the City's "Special Events" Ordinance (Section 4-10 of the City Code) have been satisfied by the respective applicants, as well as any other requirements imposed by the City's Police Department and/or Special events Committee.

2015-258 Authorizing an Additional Appointment to the Cable Television Advisory Committee

Resolution # 2015-258

**City of Asbury Park
County of Monmouth
State of New Jersey**

**AUTHORIZING AN ADDITIONAL APPOINTMENT TO THE
CABLE TELEVISION ADVISORY COMMITTEE.**

WHEREAS, on March 11, 2015, the Mayor and Council adopted Resolution No. 2015-120, which authorized the establishment of a Cable Television Advisory Committee (also referenced as the “Committee”) in and for the City of Asbury Park; and

WHEREAS, on March 11, 2015, the Mayor and Council appointed certain individuals to serve on the Committee, via Resolution No. 2015-120; and

WHEREAS, the Mayor and Council now wish to appoint an additional individual to serve on the Committee, in accordance with the provisions set forth in Resolution No. 2015-120.

NOW, THEREFORE, BE IT RESOLVED, that the following additional individual is hereby appointed to serve on the Cable Television Advisory Committee:

Appointee

Term to Expire

Heera Sidhu

December 31, 2015

2015-259 Authorizing an Additional Appointment to the Parking Advisory Committee

Resolution # 2015-259

**City of Asbury Park
County of Monmouth
State of New Jersey**

**AUTHORIZING AN ADDITIONAL APPOINTMENT TO THE
PARKING ADVISORY COMMITTEE**

WHEREAS, on February 25, 2015, the Mayor and Council adopted Resolution No. 2015-101, which authorized the establishment of a Parking Advisory Committee (also referenced as the “Committee”) in and for the City of Asbury Park; and

WHEREAS, on April 22, 2015, the Mayor and Council appointed certain individuals to serve on the Committee, via Resolution No. 2015-132; and

WHEREAS, the Mayor and Council now wish to appoint an additional individual to serve on the Committee, in accordance with the provisions set forth in Resolution No. 2015-101.

NOW, THEREFORE, BE IT RESOLVED, that the following additional individual is hereby appointed to serve on the Parking Advisory Committee:

Appointee

Term to Expire

Maggie Quinton

December 31, 2015

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member	X		X		

Clayton					
Council Member Jesse Kendle		X	X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

H. Individual Resolutions

2015-255 Resolution of the Mayor and City Council of the City of Asbury Park Authorizing the Execution of a Subsequent Developer Agreement and a Special Assessment Agreement with AP at Monroe Urban Renewal LLC

Resolution # 2015-255 Resolution of the City of Asbury Park

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY PARK AUTHORIZING THE EXECUTION OF A SUBSEQUENT DEVELOPER AGREEMENT AND A SPECIAL ASSESSMENT AGREEMENT WITH AP AT MONROE URBAN RENEWAL LLC

WHEREAS, the *New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the “**Act**”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, the Act confers certain contract, planning and financial powers upon a redevelopment entity, as defined at Section 3 of the Act, in order to implement redevelopment plans adopted pursuant thereto; and

WHEREAS, the City of Asbury Park (the “**City**”) has elected to exercise these redevelopment entity powers directly, as permitted by Section 4 of the Act; and

WHEREAS, on June 5, 2002, the City adopted the “Asbury Park Waterfront Redevelopment Plan (Plan IV)” (as amended and supplemented from time to time, the “**Redevelopment Plan**”) with respect to the “**Asbury Park Waterfront Redevelopment Area**”, as defined in the Redevelopment Plan (the “**Redevelopment Area**”); and

WHEREAS, pursuant to the Act, including Section 8 thereof (*N.J.S.A. 40A:12A-8*), a municipality is permitted to contract with a redeveloper to undertake redevelopment projects pursuant to a redevelopment plan within an area in need of redevelopment, as all such terms are defined in the Act; and

WHEREAS, the City and Asbury Partners, LLC (the “**Master Developer**”) entered into that certain “Amended and Restated Redeveloper and Land Disposition Agreement” dated October 28, 2002 (as the same may be amended and supplemented in accordance with its terms, the “**Redeveloper Agreement**”); and

WHEREAS, in accordance with the Redeveloper Agreement and the Redevelopment Plan, AP at Monroe Urban Renewal LLC (the “**Entity**”) intends to develop a three- to four-story condominium building containing thirty-four (34) residential units (the “**Project**”) on property commonly known as 601 Heck Street in Asbury Park and currently identified as Block 3205, Lot 16 on the tax maps of the City (the “**Project Site**”) and located in the Redevelopment Area;

WHEREAS, pursuant to Sections 2.0 and 9.1 of the Redeveloper Agreement, the City acting as a redevelopment entity pursuant to *N.J.S.A. 40A:12A-4* wishes to approve the Entity as “**Subsequent Developer**” of the Project Site and to enter into a “**Subsequent Developer Agreement**” to set forth the obligations of the City and the Entity with respect to the Project; and

WHEREAS, the City wishes to authorize the execution of a special assessment agreement with the Entity in accordance with the terms of that certain Special Assessment Ordinance finally adopted on February 20, 2013 (the “**Special Assessment Agreement**”),

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY PARK AS FOLLOWS:

I. GENERAL

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. EXECUTION OF SUBSEQUENT DEVELOPER AGREEMENT AUTHORIZED

(a) The Mayor is hereby authorized to execute the Subsequent Developer Agreement, substantially in the form as it has been presented to the City Council, and attached hereto as Exhibit A, subject to additions, deletions, modifications or revisions deemed necessary and appropriate in consultation with counsel.

(b) The City Clerk is hereby authorized and directed, upon the execution of the Subsequent Developer Agreement in accordance with the terms of Section II (a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the City upon such document.

III. EXECUTION OF SPECIAL ASSESSMENT AGREEMENT AUTHORIZED

23.

(a) The Mayor is hereby authorized to execute the Special Assessment Agreement, substantially in the form as it has been presented to the City Council, and attached hereto as Exhibit B, subject to additions, deletions, modifications or revisions deemed necessary and appropriate in consultation with counsel.

(b) The City Clerk is hereby authorized and directed, upon the execution of the Special Assessment Agreement in accordance with the terms of Section III (a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the City upon such document.

24.

IV. DETERMINATION OF MATTERS IN CONNECTION WITH THE SUBSEQUENT DEVELOPER AGREEMENT

The Mayor is hereby authorized and directed to determine all matters and terms in connection with the Subsequent Developer Agreement and the Special Assessment Agreement, all in consultation with the counsel to the City, and the manual or facsimile signature of the Mayor upon any documents shall be conclusive as to all such determinations. The Mayor, Acting City Manager, the Chief Financial Officer, the City Clerk and any other City official, officer or professional, including but not limited to, redevelopment counsel, bond counsel, the financial advisor and the auditor to the City, are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, redevelopment counsel, bond counsel, the financial advisor and the auditor to the City, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

V. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

VI. AVAILABILITY OF THE RESOLUTION

A copy of this Resolution shall be available for public inspection at the offices of the City.

VII. EFFECTIVE DATE

This Resolution shall take effect immediately.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton		X	X		
Council Member Jesse Kendle	X		X		
Council Member Joe Woerner				X	
Deputy Mayor Amy Quinn				X	
Mayor John Moor			X		

Deputy Mayor Quinn and Councilman Woerner expressed their concerns regarding the Agreements and made some recommendations for the future.

2015-260 Resolution Authorizing the Payment of Payroll in the Amount of \$115,212.53

**Resolution #2015-260
City of Asbury Park
County of Monmouth**

State of New Jersey

**RESOLUTION AUTHORIZING THE PAYMENT OF PAYROLL IN THE AMOUNT OF
\$115,212.53**

WHEREAS, the June 24, 2015 payroll in the amount of \$115,212.53, has been approved by the Chief Financial Officer and has subsequently been audited and found correct.

BE IT RESOLVED, that the payroll payable totaling \$ 115,212.53 is hereby authorized to be paid, and;

BE IT FURTHER RESOLVED, that proper officers are hereby authorized to execute payment of said payroll.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle	X		X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn		X	X		
Mayor John Moor			X		

2015-261 Resolution Authorizing the Payment of Bills in the Amount of
\$2,283,529.52

**Resolution #2015-261
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING THE PAYMENT OF BILLS IN THE AMOUNT OF
\$1,632,677.52**

WHEREAS, the following listed vouchers payable have been approved by the Chief Financial Officer and have subsequently been audited and found correct:

BE IT RESOLVED, that these vouchers payable totaling \$1,632,677.52
to be paid and:

BE IT FURTHER RESOLVED, that proper officers are hereby authorized to execute and issue warrants for payment of said vouchers, but only if and when the conditions of the City Treasury shall permit.

CURRENT VOUCHERS	\$ 903,581.52
BOARD OF EDUCATION	\$ 729,096.00
TOTAL VOUCHERS	\$1,632,677.52

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle	X		X		
Council Member Joe Woerner		X	X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2015-262 Resolution Amending Temporary Appropriations for 2015

**Resolution #2015-262
City of Asbury Park
County of Monmouth
State of New Jersey**

RESOLUTION AMENDING TEMPORARY APPROPRIATIONS FOR 2015

WHEREAS, N.J.S.A 40A:4-20 provides that the Governing Body by a 2/3 vote of the full membership thereof may make emergency temporary appropriations for any purpose for which appropriation may lawfully be made for the period between the beginning of the current fiscal year and the final adoption of the budget for the said year; and

WHEREAS, the previously adopted temporary budget did not provide sufficient funds for the operational costs prior to the final adoption of the 2015 budget,

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Asbury Park that the following Emergency Temporary Appropriation for the year 2015 be adopted and a certified copy of this resolution be provided to the Borough's Chief Financial Officer and the Director of Division of Local Government Services, Department of Community Affairs, State of New Jersey.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2015-263 Resolution Authorizing Compensation Payment to Jose Cunha upon His Separation of Employment

**Resolution #2015-263
City of Asbury Park
County of Monmouth
State of New Jersey**

**RESOLUTION AUTHORIZING COMPENSATION PAYMENT TO
JOSE CUNHA UPON HIS SEPARATION OF EMPLOYMENT**

WHEREAS, Jose Cunha has been separated from the City of Asbury Park effective May 16, 2015;

WHEREAS, Jose Cunha has accumulated earned time that he is entitled to be compensated for as follows:

15 $\frac{3}{4}$ Vacation Days	\$ 6,864.48
240 Compensatory Hours	<u>\$13,075.20</u>
Total Amount Due	<u>\$19,939.68</u>

WHEREAS, in accordance with N.J.A.C. 5:30-15.4, sufficient documentation has been provided to Chief Financial Officer, Richard Gartz for the above accumulated earned time.

NOW THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of Asbury Park, County of Monmouth, State of New Jersey, that they hereby approve the payment of \$19,939.68 to Jose Cunha upon his separation of employment effective May 16, 2015 for the above accumulated earned vacation time to be paid on July 15, 2015.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton	X		X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner		X	X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2015-264 Authorizing an Appointment to the Housing Authority

Resolution # 2015-264

**City of Asbury Park
County of Monmouth
State of New Jersey**

**AUTHORIZING AN APPOINTMENT TO THE
HOUSING AUTHORITY**

WHEREAS, Section 2:37.2 of the Code of the City of Asbury Park provides for the Creation of the Housing Authority (also referenced as the “Authority”) in and for the City of Asbury Park; and

WHEREAS, Section 2:37.3 of the Code of the City of Asbury Park provides for five (5) members to be appointed by the City Council; and

WHEREAS, a vacancy has occurred on the Housing Authority with an unexpired term of April 27, 2016; and

WHEREAS, the Mayor and Council wish to appoint an individual to serve on the Advisory, in accordance with the provisions set forth in Section 2:37.3 of the Code of the City of Asbury Park.

NOW, THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to serve on the Housing Authority:

Appointee

Term to Expire

Gregory Hopson, Sr.

April 27, 2016

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2015-265 Award of Contract for Regional Contribution Agreement Project (509 Third Avenue)

**City of Asbury Park
County of Monmouth
State of New Jersey**

WHEREAS, request for estimates for Regional Contribution Agreement (“RCA”) project located at 509 Third Avenue were received by the City Clerk on June 15, 2015; and

WHEREAS, the results of those estimates are as follows:

1. CONTRACTOR	ESTIMATE
ANPE CORP.	\$46,660
SUPERIOR SIDING & ROOFING	\$49,000

TIMBER DESIGN	\$57,000
Staff Estimate	\$42,750

WHEREAS, the homeowner has an option of selecting the contractor, contingent upon the owner paying the difference between chosen contractor and the lowest estimate received by the City.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Asbury Park as follows:

1. The contract for the RCA project located at 509 Third Avenue be awarded to Superior Siding & Roofing., for an amount not to exceed \$49,000, in accordance with the selection of the property owner, Stefan Aschan, contingent upon the homeowner paying the difference of \$2,340 and subject of Certification of Funds from the Finance Officer.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton		X	X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2015-266 Authorize Submission of a Grant Application to the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Grant Funding Under the 2015 Edward Byrne Memorial Justice Assistance (JAG) Program

**Resolution of the City of Asbury Park
RESOLUTION #2015-266**

**AUTHORIZE SUBMISSION OF A GRANT APPLICATION TO THE UNITED STATES
DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BUREAU OF
JUSTICE ASSISTANCE GRANT FUNDING UNDER THE 2015 EDWARD BYRNE
MEMORIAL JUSTICE ASSISTANCE (JAG) PROGRAM**

WHEREAS, the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance has posted the availability of grant funds for the 2015 Edward Byrne Memorial Justice Assistance Grant Funding, which provides a no match funding source to local units of government for law enforcement and justice initiative purposes. The aggregate of the available funds for the eligible Monmouth County Municipalities is \$52,746 and the City of Asbury Park is eligible to share in this funding.

WHEREAS, the City of Asbury Park Police Department desires to apply for this program for the purpose of maintaining and/or advancing public safety and maintaining and/or improving the efficiency of the Police Department

WHEREAS, the Asbury Park Police Department has expressed a desire to be the lead applicant for the three eligible Monmouth County municipalities(Township of Neptune, City of Long Branch and the City of Asbury Park), and will receive \$27,511 of the eligible funding, the Township of Neptune will receive \$14,305 and the City of Long Branch will receive \$10,930.00

THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Asbury Park, County of Monmouth, State of New Jersey hereby authorizes the submission of a 2015 Edward Byrne Memorial Justice Assistance Grant grant application on behalf of the City of Asbury Park, Township of Neptune and City of Long Branch, and the mayor or his designee is authorized to enter into any Memorandums of Understanding or Inter Local Agreements in furtherance of this application,

BE IT FURTHER RESOLVED, that the Mayor, Clerk and Acting Chief of Police are hereby authorized to execute the required grant application and to provide submittals and documentation as required by the United States Department of Justice; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the City Manager, Chief Financial Officer, and the Acting Chief of Police of the City of Asbury Park

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton		X	X		
Council Member Jesse Kendle	X		X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2015-267 Approval of the City of Asbury Park Hazard Mitigation Plan

Resolution of the City of Asbury Park

RESOLUTION #2015-267

WHEREAS, the City of Asbury Park of the County of Monmouth, NJ, has experienced natural hazards that result in public safety hazards and damage to private and public property and;

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk and;

WHEREAS, the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the Monmouth County Multi-Jurisdictional All Natural Hazards Mitigation Plan and;

WHEREAS, a *Hazard Mitigation Plan* has been developed by the Mitigation Planning Committee and;

WHEREAS, the *Hazard Mitigation Plan* includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and;

WHEREAS, the draft plan was provided to each participating jurisdiction and was posted on the County Office of Emergency Management's website so as to introduce the planning concept and to solicit questions and comments; and to present the Plan and request comments, as required by law, and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Asbury Park:

1. The Monmouth County Multi-Jurisdictional Hazard Mitigation Plan, as approved by the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on April 14, 2015, is hereby adopted as an official plan of the City of Asbury Park in the County of Monmouth.
2. The Municipal departments identified in the Plan are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Mayor and Council, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Monmouth County Office of Emergency Management. The status reports shall be submitted by September 15th of each year.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle		X	X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2015-268 Resolution of the Mayor and City Council of the City of Asbury Park Authorizing an Extension of the Option Agreement to Enter into Ground Lease with Springwood Avenue Associates, LP

The Council has agreed to table this resolution.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle		X	X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor	X		X		

2015-269 Resolution of the Mayor and City Council of the City of Asbury Park Awarding a New Hotel Liquor License to 210 5th Ave. Venture Urban Renewal LLC

Resolution #: 2015-269
Resolution of the City of Asbury Park

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ASBURY PARK AWARDING A NEW HOTEL LIQUOR LICENSE TO 210 5TH AVE. VENTURE URBAN RENEWAL LLC

WHEREAS, pursuant to Resolution #2015-189 adopted on May 13, 2015 and in conformance with the New Jersey Alcoholic Beverage Control Act and related regulations, the City authorized the issuance of one (1) or more licenses with plenary retail consumption privileges for hotels or motels with more than 100 guest sleeping rooms in the Prime Renewal Area of the City of Asbury Park's Waterfront Redevelopment Area ("Hotel Liquor License") pursuant to N.J.S.A. 33:1-12.20 and N.J.S.A. 33:1-19 et seq. including, the publication of notice of the same in the Asbury Park Press newspaper, the distribution of Application Packages to interested parties and the receipt of application from interested parties; and

WHEREAS, publication of the notice in the Asbury Park Press newspaper occurred on May 18, 2015 and May 25, 2015 as required by law; and

WHEREAS, one (1) Application Package was obtained from the Clerk's Office and one (1) application was received by Wednesday, July 1, 2015 at 1:00 p.m. and one (1) application was found to be in compliance with the application requirements as set forth in the Memo of July 1, 2015 from the City Clerk; and

WHEREAS, the City Council reviewed the City Clerk's Memo of July 1, 2015 and the application on Monday, July 6, 2015 at the City Council's work session, and no timely written objections pursuant to N.J.A.C. 13:2-2.7 were received; and

WHEREAS, the City Council has determined to accept the City Clerk's Memo of July 1, 2015 and accepts the application of 210 5th Ave. Venture Urban Renewal LLC for the reasons set forth in the City Clerk's Memo of July 1, 2015; and

WHEREAS, the City Council has determined that it is reasonable and desirable to issue a new license by the "historic method" after the consideration of the applicant's Application Package and such factors as whether applicants have an existing hotel or motel, or have taken significant and concrete steps towards constructing and establishing a hotel or motel with more than 100 guest sleeping rooms within the Prime Renewal Area of the Waterfront Redevelopment Area of the City of Asbury Park; the intended use, location, aesthetics, compliance with land use provisions, ratable impact, community needs, business experience, and other relevant criteria; and

WHEREAS, the City Council has determined to issue one (1) new Hotel Liquor License to the qualified applicant 210 5th Ave. Venture Urban Renewal LLC for a new hotel or motel to be constructed and operated at 200-210 5th Avenue designated as Block 4101, Lots 3-7, 10 and 11.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, as follows:

1. The City of Asbury Park hereby awards a Hotel Liquor License with plenary retail consumption privileges to 210 5th Ave. Venture Urban Renewal LLC for the premises located at 200-210 5th Avenue designated as Block 4101, Lots 3-7, 10 and 11, and conditioned upon meeting the requirements of Resolution #2015-189, the New Jersey Alcoholic Beverage Control Act and related regulations, and the Application Package requirements and related documents.

2. The successful applicant, 210 5th Ave. Venture Urban Renewal LLC, shall tender payment of all required State and Local Application Fees and License Fees.

3. The issuance of the license to the successful applicant, 210 5th Ave. Venture Urban Renewal LLC, shall be contingent upon the satisfactory outcome of municipal background checks to investigate the source of funds used to purchase the license, the receipt of favorable State and/or Federal criminal background checks for the issuance of a new license and a subsequent Resolution of the Council acknowledging and approving the same and issuing the license to 210 5th Ave. Venture Urban Renewal LLC and shall contain a special condition that it is issued as a hotel exception license for a facility containing 100 or more sleeping rooms pursuant to N.J.S.A. 13:1-12.20 and that the license shall only be used in connection with such a hotel or motel.

4. The Clerk shall transmit an original copy of the 12-page ABC application (long form) to the Police Department with photocopies of the remainder of the bid documents, and a certified copy of this Resolution.

5. The City Clerk, Mayor, Acting City Manager, counsel, redevelopment counsel, Police Department and other necessary City officials/employees are authorized to publish, distribute, execute, deliver and accept all other necessary documents and undertake all actions reasonably necessary to effectuate this Resolution and undertake background checks and related actions as required by law for the issuance of a Hotel Liquor License.

6. A certified copy of this Resolution shall be provided to each of the following:

- a. Anthony Nuccio, Acting City Manager
- b. Frederick C. Raffetto, Esq., City Attorney
- c. Glenn F. Scotland, Esq., City Redevelopment Counsel
- d. 210 5th Ave. Venture Urban Renewal LLC, successful applicant
- e. Jennifer P. Smith, Esq., attorney for the successful applicant

7. This Resolution shall take effect immediately.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton	X		X		
Council Member Jesse Kendle		X	X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2015-270 A Resolution Authorizing the City of Asbury Park to Enter Into an Agreement with the Asbury Park Board of Education to Provide for the Installation and Maintenance of Fiber Optic Cables Related to a Video Security System

Resolution # 2015-270

**City of Asbury Park
County of Monmouth
State of New Jersey**

**A RESOLUTION AUTHORIZING THE CITY OF ASBURY PARK
TO ENTER INTO AN AGREEMENT WITH THE
ASBURY PARK BOARD OF EDUCATION
TO PROVIDE FOR THE INSTALLATION AND MAINTENANCE OF
FIBER OPTIC CABLES RELATED TO A VIDEO SECURITY SYSTEM.**

WHEREAS, the “Uniform Shared Services and Consolidation Act,” N.J.S.A. 40A:65-1, et seq. (the “Act”), authorizes local units of this State to enter into an agreement with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, the City and the BOE (collectively, the “Parties”) have determined that it would be in the best interests of the residents of the City for the Parties to collaborate with respect to a project to install and maintain certain fiber optic cables (the “Project”) related to security cameras that are part of a comprehensive video security system; and

WHEREAS, the completion of the Project will enable the Parties to more effectively deter and monitor criminal activity within the City, and contribute to the health, safety and welfare of the residents and children of the City; and

WHEREAS, in the spirit of inter-municipal cooperation, and in furtherance of the principles underlying the Act, the Parties have negotiated a Shared Services Agreement (the “Agreement”), which sets forth the terms and conditions associated with this undertaking, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Mayor and City Council wish to authorize the City to enter into this Agreement, or one which is substantially similar thereto and which meets with the approval of the Municipal Attorney, and to authorize the Mayor and City Clerk to execute same on behalf of the City.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Mayor and City Council of the City of Asbury Park, as follows:

1. That the Mayor is hereby authorized to execute, and the City Clerk to attest, the attached Agreement, or one which is substantially similar thereto and which meets with the approval of the Municipal Attorney, on behalf of the City.
2. That a certified copy of this Resolution and a copy of the attached Agreement shall be provided to each of the following:
 - a. Asbury Park Board of Education;
 - b. Anthony Nuccio, Acting City Manager;
 - c. Anthony Salerno, Deputy Police Chief;
 - d. Frederick C. Raffetto, Esq., Municipal Attorney; and
 - e. Aaron Mizrahi, Esq., Counsel for Asbury Park Board of Education.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton		X	X		
Council Member Jesse Kendle	X		X		
Council Member Joe Woerner			X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

2015-271 In Support of Legalizing, Taxing and Regulating Marijuana for Adults

Resolution # 2015-271

**City of Asbury Park
County of Monmouth
State of New Jersey**

**IN SUPPORT OF LEGALIZING, TAXING AND REGULATING
MARIJUANA FOR ADULTS.**

WHEREAS, New Jersey law currently makes possession by adults of small amounts of marijuana illegal; and

WHEREAS, based upon information provided to the City of Asbury Park (the “City”), someone is arrested for marijuana possession in the State of New Jersey (the “State”) every 24 minutes, totaling more than 21,000 possession arrests each year; and

WHEREAS, based upon information provided to the City, the State spent over an estimated one billion dollars in the last decade on enforcement of marijuana possession laws; and

WHEREAS, the Mayor and Council of the City believe that the existing laws concerning small amounts of marijuana waste the enforcement resources of police, prosecutors and courts that could be better spent on keeping the City safe from serious crime; and

WHEREAS, based upon information provided to the City, minorities in the State are nearly three times more likely to be arrested for marijuana possession than Caucasians, despite similar rates of marijuana use; and

WHEREAS, based upon information provided to the City, an arrest for a single marijuana cigarette in the State can lead to up to six months in jail, loss of a job, a driver’s license suspension, up to \$1,225 in fees and fines, immigration consequences, loss of student financial aid, and eviction; and

WHEREAS, based upon information provided to the City, despite the prohibition of marijuana and the approximately 800,000 marijuana possession arrests that occur in the United States each year, federal government data estimates that 111 million Americans have tried marijuana and more than 30 million Americans use marijuana each year; and

WHEREAS, based upon information provided to the City, in 2014 the New Jersey State Municipal Prosecutors Association, whose members are primarily responsible for prosecuting marijuana possession arrests, voted to publicly support the legalization of marijuana, subject to reasonable regulations; and

WHEREAS, based upon information provided to the City, the editorial boards of the New York Times, Star-Ledger, Times of Trenton, and Daily Targum have endorsed the legalization, taxation and regulation of marijuana; and

WHEREAS, based upon information provided to the City, the State could potentially receive hundreds of millions of dollars per year in new revenue from the taxation of regulated marijuana sales; and

WHEREAS, the Mayor and Council of the City believe that tax revenue can be used to reinvest in our communities, schools, drug prevention and education programs, re-entry and job training programs and in programs to strengthen community-police relations; and

WHEREAS, the Mayor and Council of the City believe that regulating marijuana in a State-controlled system will limit access to marijuana to adults aged 21 and over in licensed locations; and

WHEREAS, the Mayor and Council of the City believe that regulation will ensure strict controls over marijuana advertising, labeling, and quality, preventing access to youth and controlling quality and potency; and

WHEREAS, the Mayor and Council of the City recognize that driving under the influence of marijuana will remain illegal in the State, and regulating marijuana will not change that; and

WHEREAS, the Mayor and Council of the City are aware that marijuana has been legalized, taxed, and regulated in the States of Colorado, Washington, Alaska, and Oregon, as well as in Washington D.C.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, as follows:

1. That the Mayor and Council of the City hereby support fair and effective criminal justice and drug policies; and
2. That the Mayor and Council of the City hereby urge the New Jersey State Legislature to pass, and the Governor to sign, legislation to legalize, tax and regulate marijuana for adults; and
3. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Members of the New Jersey General Assembly;
 - b. Members of the New Jersey State Senate;
 - c. Office of the Governor;
 - d. Anthony Nuccio, Acting City Manager;
 - e. Deputy Police Chief Anthony Salerno;
 - f. Frederick C. Raffetto, Esq., Municipal Attorney.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

City Attorney Raffetto provided a more definitive explanation of the resolution.

2015-272 Authorizing the Execution of an License Agreement between the City of Asbury Park and the County of Monmouth for a Traffic Engineering Study

Resolution # 2015-272

**City of Asbury Park
County of Monmouth
State of New Jersey**

**AUTHORIZING THE EXECUTION OF AN LICENSE AGREEMENT
BETWEEN THE CITY OF ASBURY PARK AND THE COUNTY OF MONMOUTH
FOR A TRAFFIC ENGINEERING STUDY**

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WHEREAS, the City of Asbury Park (the “City”) and the County of Monmouth (the “County”) have been discussing jurisdictional issues with regard to the six (6) existing signalized intersections located along County Route 16 (Asbury Avenue) within the City’s boundaries; and

WHEREAS, since a formal agreement indicating ownership of the signals is not available, the City has requested the County to take over jurisdiction of all six (6) signals along County Route 16; and

WHEREAS, the County is agreeable to assume jurisdiction of said traffic signals, provided that the signals are upgraded to meeting current design standards; and

WHEREAS, since the existing six (6) traffic signals are antiquated, functionally obsolete and past their life service, a comprehensive traffic engineering study must be undertaken to assess the scope of improvements needed to upgrade those signals to current regulatory and industry standards; and

WHEREAS, the County and City agree that a joint traffic engineering study is appropriate and reasonable.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, as follows:

1. The Mayor is hereby authorized to execute, and the City Clerk is authorized to attest, the attached Agreement between the County of Month and the City of Asbury Park for a Traffic Engineering Study of Six Signalized Intersections along County Route 16 (Asbury Avenue) within the City Limits of Asbury Park.
2. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Teri O’Connor, County of Monmouth Administrator
 - b. Andrea I. Bazer, Esquire, County of Monmouth Counsel
 - c. Joseph M. Ettore, P.E., County of Monmouth Engineer
 - d. Anthony Nuccio, Acting City Manager

- e. Frederick C. Raffetto, Esq., Municipal Attorney
- f. Christine Ballard, P.E. City Engineer

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton		X	X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner	X		X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

Mayor Moor explained why this resolution was added on this evening.

Resolution # 2015-273

**City of Asbury Park
County of Monmouth
State of New Jersey**

**AUTHORIZING THE AWARD OF A CONTRACT TO THE FIRM OF
GAGLIANO & COMPANY TO SERVE AS APPRAISER
FOR THE CITY OF ASBURY PARK IN CONNECTION WITH A POTENTIAL
ACQUISITION BY THE CITY AND/OR OTHER GOVERNMENTAL ENTITIES OF
THE DEVELOPMENT RIGHTS ASSOCIATED WITH CERTAIN REAL PROPERTY
LOCATED AT 1800 OCEAN AVENUE (BLOCK 4402, LOT 1),
COMMONLY KNOWN AS THE “BRADLEY COVE” TRACT.**

WHEREAS, there is a need for the City of Asbury Park (the “City”) to appoint a licensed real estate appraiser to perform certain professional appraisal services (the “services”) for the City with regard to the potential acquisition by the City and/or other governmental entities of the development rights associated with certain real property located at 1800 Ocean Avenue, also known and designated as Block 4402, Lot 1 on the Asbury Park City Tax Map, which is more commonly known and referred to as the “Bradley Cove” tract (the “property”); and

WHEREAS, the services to be provided are considered to be “professional services” under the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.* (specifically at N.J.S.A. 40A:11-5(1)(a)), as the services are being provided by a person(s) authorized by law to practice a recognized profession; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract is published in a newspaper of general circulation in the municipality; and

WHEREAS, the firm of Gagliano & Company (also referenced as the “Firm”) of Shrewsbury, New Jersey, submitted a proposal to provide the necessary professional services to the City for an amount not to exceed \$5,500.00, subject to the terms and conditions set forth in the attached proposal (attached hereto and made a part hereof); and

WHEREAS, the Firm has demonstrated that it has extensive experience in the appraisal field, and that its services will be of benefit to the City; and

WHEREAS, the retention of the Firm has been effectuated through a “non-fair and open” (a/k/a restricted) process pursuant to and in accordance with the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.* (the “Pay-to-Play Law”); and

WHEREAS, said appointment shall be subject to and contingent upon certification of adequate funding for the services by the City’s Chief Financial Officer; and

WHEREAS, said appointment shall be subject to and contingent upon the approval of the New Jersey Department of Community Affairs (Division of Local Government Services).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, as follows:

1. That the Firm of Gagliano & Company (the “Firm”) is hereby conditionally appointed to serve as the City’s Appraiser to perform professional appraisal services with regard to the potential acquisition by the City and/or other governmental entities of the development rights associated with the property.
2. That this contract is subject to and contingent upon certification of adequate funding for the services by the City’s Chief Financial Officer.
3. That this contract is also subject to and contingent upon approval of the New Jersey Department of Community Affairs, Division of Local Government Services.
4. That, subject to the provisions of Paragraphs 2 and 3 above, the Mayor is hereby authorized to execute, and the City Clerk to attest, a contract between the City and the Firm for the aforementioned professional services, which contract shall be in a form satisfactory to the Municipal Attorney.
5. That this contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5 of the Local Public Contracts Law of New Jersey.
6. That this contract is also awarded through a “non-fair and open” (a/k/a restricted) process pursuant to and in accordance with the State’s Pay-to-Play Law.

7. That there shall be a cap on the total expenditure(s) associated with this contract in the amount of \$5,500.00, without further approval of the Mayor and Council.
8. That the Firm shall not perform any services related to this matter until directed to do so by the City Manager.
9. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the City.
10. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Gagliano & Company;
 - b. Anthony Nuccio, Acting City Manager;
 - c. Richard J. Gartz, CPA, RMA, CMFO, Chief Financial Officer;
 - d. Director of the N.J. Division of Local Government Services;
 - e. George D. Haeuber, Fiscal Monitor; and
 - f. Frederick C. Raffetto, Esq., Municipal Attorney.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton		X	X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner	X		X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor			X		

Council Member Woerner explained why this resolution and the next resolution were added on the agenda this evening.

Resolution # 2015-274

**City of Asbury Park
County of Monmouth
State of New Jersey**

**AUTHORIZING THE AWARD OF A CONTRACT TO THE FIRM OF
BRB VALUATION & CONSULTING SERVICES TO SERVE AS APPRAISER
FOR THE CITY OF ASBURY PARK IN CONNECTION WITH A POTENTIAL
ACQUISITION BY THE CITY AND/OR OTHER GOVERNMENTAL ENTITIES OF
THE DEVELOPMENT RIGHTS ASSOCIATED WITH CERTAIN REAL PROPERTY
LOCATED AT 1800 OCEAN AVENUE (BLOCK 4402, LOT 1),
COMMONLY KNOWN AS THE “BRADLEY COVE” TRACT.**

WHEREAS, there is a need for the City of Asbury Park (the “City”) to appoint a licensed real estate appraiser to perform certain professional appraisal services (the “services”) for the City with regard to the potential acquisition by the City and/or other governmental entities of

the development rights associated with certain real property located at 1800 Ocean Avenue, also known and designated as Block 4402, Lot 1 on the Asbury Park City Tax Map, which is more commonly known and referred to as the “Bradley Cove” tract (the “property”); and

WHEREAS, the services to be provided are considered to be “professional services” under the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.* (specifically at N.J.S.A. 40A:11-5(1)(a)), as the services are being provided by a person(s) authorized by law to practice a recognized profession; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for “professional services” without public advertising for bids and bidding therefor, provided that the Resolution authorizing the contract and the contract itself are available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract is published in a newspaper of general circulation in the municipality; and

WHEREAS, the firm of BRB Valuation & Consulting Services (also referenced as the “Firm”) of Eastampton, New Jersey, has offered to provide the necessary professional services to the City for an amount not to exceed \$6,500.00; and

WHEREAS, the Firm has demonstrated that it has extensive experience in the appraisal field, and that its services will be of benefit to the City; and

WHEREAS, the retention of the Firm has been effectuated through a “non-fair and open” (a/k/a restricted) process pursuant to and in accordance with the State’s Local Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4, *et seq.* (the “Pay-to-Play Law”); and

WHEREAS, said appointment shall be subject to and contingent upon certification of adequate funding for the services by the City’s Chief Financial Officer; and

WHEREAS, said appointment shall be subject to and contingent upon the approval of the New Jersey Department of Community Affairs (Division of Local Government Services).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, as follows:

1. That the Firm of BRB Valuation & Consulting Services (the “Firm”) is hereby conditionally appointed to serve as the City’s Appraiser to perform professional appraisal services with regard to the potential acquisition by the City and/or other governmental entities of the development rights associated with the property.
2. That this contract is subject to and contingent upon certification of adequate funding for the services by the City’s Chief Financial Officer.

3. That this contract is also subject to and contingent upon approval of the New Jersey Department of Community Affairs, Division of Local Government Services.
4. That, subject to the provisions of Paragraphs 2 and 3 above, the Mayor is hereby authorized to execute, and the City Clerk to attest, a contract between the City and the Firm for the aforementioned professional services, which contract shall be in a form satisfactory to the Municipal Attorney.
5. That this contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5 of the Local Public Contracts Law of New Jersey.
6. That this contract is also awarded through a “non-fair and open” (a/k/a restricted) process pursuant to and in accordance with the State’s Pay-to-Play Law.
7. That there shall be a cap on the total expenditure(s) associated with this contract in the amount of \$6,500.00, without further approval of the Mayor and Council.
8. That the Firm shall not perform any services related to this matter until directed to do so by the City Manager.
9. That notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the City.
10. That a certified copy of this Resolution shall be provided to each of the following:
 - a. BRB Valuation & Consulting Services;
 - b. Anthony Nuccio, Acting City Manager;
 - c. Richard J. Gartz, CPA, RMA, CMFO, Chief Financial Officer;
 - d. Director of the N.J. Division of Local Government Services;
 - e. George D. Haeuber, Fiscal Monitor; and
 - f. Frederick C. Raffetto, Esq., Municipal Attorney.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

I. Ordinances:

1. First Reading/Introduction:

2015-33 Ordinance of the City of Asbury Park Authorizing the Execution of
a Financial Agreement with AP at Monroe Urban Renewal LLC
and Granting a Tax Exemption

The City Clerk introduced Ordinance 2015-33 by title. Public hearing will be held on July 22, 2015.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton		X	X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner				X	
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

2015-34 Authorizing the City of Asbury Park to Accept the Conveyance of an
Easement On, Over, Under and Across a Certain Portion of the Property
Located at 205-209 Bond Street, Also Known and Designated as
Block 2402, Lot 5.01 on the Asbury Park City Tax Map

The City Clerk introduced Ordinance 2015-24 by title. Public hearing will be held on July 22, 2015.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner		X	X		
Deputy Mayor Amy Quinn	X		X		
Mayor John Moor			X		

City Attorney Raffetto explained the ordinance to the Council and public.

2015-35 Authorizing the City of Asbury Park to Convey an Easement On, Over
and Across a Certain Portion of the Right-Of-Way Behind Certain Real
Property Located at 722-724 Cookman Avenue (Also Known and
Designated as Block 2405, Lot 1 on the Asbury Park City Tax Map) to
722-724 Cookman Associates, LLC.

The City Clerk introduced Ordinance 2015-35 by title. Public hearing will be held on July 22, 2015.

	MOTION	SECOND	AYES	NAYES	ABSTAIN
Council Member Clayton			X		
Council Member Jesse Kendle			X		
Council Member Joe Woerner		X	X		
Deputy Mayor Amy Quinn			X		
Mayor John Moor	X		X		

City Attorney Raffetto explained the ordinance to the Council and public.

A motion was made to adjourn the meeting made by Council Member Woerner and seconded by Council Member Clayton. All were in favor.

The meeting was adjourned.

Respectfully submitted by:

Cindy A. Dye, RMC, City Clerk